

HOUSE BILL 642
By Maddox

AN ACT to amend Chapter 158 of the Private Acts of 1992; as amended by Chapter 103 of the Private Acts of 1993 and Chapter 62 of the Private Acts of 1993; and any other acts amendatory thereto, relative to the charter of the City of Martin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 15 of Chapter 158 of the Private Acts of 1992, and any other acts amendatory thereto, is amended by deleting such section in its entirety and substituting instead the following:

SECTION 15. The Board of Mayor and Aldermen shall appoint a City Recorder, who shall serve for an indefinite term.

The Recorder shall along with the Mayor prepare and monitor the annual budget for all departments.

The Recorder shall: supervise all accounting functions for all funds; supervise the collection, disbursement and safe keeping of all funds of the city; develop long-range financial planning; and act as advisor to the Board of Mayor and Aldermen on all questions relating to the business and financial affairs of the city.

The Recorder shall keep the Board of Mayor and Aldermen advised as to the financial condition of all funds of the city and the future needs of the city.

The Recorder shall: develop a central purchasing policy; act as purchasing agent for the city; and authorize the purchase of all materials, supplies and equipment for the proper conduct of the city's business through the issuance of purchase orders and bidding.

The Recorder shall prepare the agenda for the governing body's meeting and be responsible for the minutes and maintenance of the records of the proceedings of such meeting.

The Recorder shall prepare resolutions and ordinances for consideration by the governing body.

The Recorder shall be responsible for the maintenance of all types of insurance coverage such as health, liability, workers' compensation, etc., and maintain an inventory of all equipment and real estate owned by the city.

The Recorder shall attend all meetings of the Board of Mayor and Aldermen at the Board's request.

The Recorder shall act as the city's personnel officer by maintaining a personnel file on each city employee in a centralized location.

The Recorder shall represent the city at official functions as directed by the Mayor.

The Recorder shall perform other duties as directed by the Board of Mayor and Aldermen.

The Recorder shall be required to reside within the city limits of Martin, Tennessee, or the immediate vicinity of Martin, Tennessee.

SECTION 2. Section 17 of Chapter 158 of the Private Acts of 1992, as amended by Chapter 62 of the Private Acts of 1993, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following:

SECTION 17.

A. MUNICIPAL JUDGE

A municipal judge shall be elected in a popular election to a term of eight (8) years, in accordance with Article VII, Section 5 of the Tennessee Constitution. Upon the effective date of this act, the Board of Mayor and Aldermen shall have the authority to appoint a municipal judge to serve until a municipal judge is elected and qualified in the August election to be held in 2004. At the August general election to be held in 2004, a Municipal Judge shall be elected for an eight-year term by the qualified voters of the city, and shall take office September 1, next following his or her election to serve until September 1, 2012. Beginning with the regular August election in 2012, and every eight (8) years thereafter, the qualified voters of the city shall elect a municipal judge to serve an eight-year term of office.

The Municipal Judge shall be a resident of the city of Martin, Tennessee, or have a Martin, Tennessee, street address, and shall continuously live in the city of Martin, Tennessee, during his or her term of office. The Judge shall also have been a resident of the state of Tennessee for five (5) years, before his or her election, be at least thirty (30) years of age and licensed to practice law in the state of Tennessee.

In accordance with Article VII, Section 5, vacancies in the office of municipal judge shall be filled by the Board of Mayor and Aldermen until an election can be held to fill the vacancy at the next biennial election of

civil officers in August occurring more than thirty (30) days after the vacancy occurs.

The Municipal Judge shall be vested with concurrent jurisdiction and authority with courts of general sessions, as set forth in Tennessee Code Annotated, Title 40, in all cases of violations of the criminal laws of the state of Tennessee within the limits of the municipality.

The salary of the Municipal Judge shall be set by the Board of Mayor and Aldermen and shall not be altered during the judge's term of office, except for annual cost of living adjustment.

The jurisdiction of the Municipal Judge shall extend to the trial of all city ordinance violations, and costs of such trials shall be fixed by ordinance. The Municipal Judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and maintain order including the power which the court of general sessions has to fine for contempt. Penalties shall not exceed the amount set by general law for general sessions courts. The sole compensation of serving as Municipal Judge shall be a salary fixed by the Board, and all fees for actions or cases in his or her court shall belong to the city and shall be paid into the city treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the Municipal Judge shall be affixed by the Municipal Judge, upon such security as in the Municipal Judge's discretion the Judge deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the Judge as provided by ordinance; such ordinance shall require that the person arrested be given

a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in triplicate: the original to the depositor, duplicate and money to the Recorder, and triplicate to the Municipal Judge within twenty-four (24) hours after arrest.

Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon willful failure to pay fines and costs or to furnish security, the Municipal Judge may exercise powers conferred by Tennessee Code Annotated, Section 6-54-303, to enforce the fine and costs against an offender. Receipt of city fines by the Municipal Court shall be deposited with the Recorder, and the Municipal Judge shall make monthly reports thereof to the Board.

A docket of all cases handled by the Judge shall be maintained.

The Municipal Judge shall be exclusive Judge of the law and the facts in every case before him or her, and no officer or employee of the city shall attempt to influence the Judge's decision except through pertinent facts presented in open Court.

B. MUNICIPAL COURT CLERK

At the August 2004 election, and each and every four (4) years thereafter, the Municipal Court Clerk shall be elected by the qualified voters of the city for a four-year term and the Clerk shall take Office on September 1, next following his or her election. However, the office of Municipal Court Clerk during the interim period between the effective date of this act and August 1, 2004, shall be filled by the Board of Mayor and Aldermen.

The Municipal Court Clerk shall be a resident of the city of Martin, Tennessee, one (1) year next preceding his or her election, and shall continuously reside within the city during his or her term of office.

The Municipal Court Clerk shall have all powers and duties prescribed for clerk of court of general sessions by state law.

The Municipal Court Clerk shall generally be subject to removal for the same causes public officers in general are subject to removal. In addition, the Municipal Judge, may in accordance with Tennessee Code Annotated, Title 18, Chapter 3, remove the Municipal Court Clerk:

- (1) Upon conviction of a misdemeanor in office or of a felony;
- (2) For failing to give security required by law or ordinance;
- (3) For failure to pay over public money collected officially;
- (4) For incapacity, neglect of duty or misbehavior in office; or
- (5) For any other cause to which the penalty of removal is attached by law.

The Board of Mayor and Aldermen is authorized to appoint a deputy court clerk or clerks.

SECTION 3. Section 6 of Chapter 62 of the Private Acts of 1993, as amended, is amended by deleting such section in its entirety.

SECTION 4. Section 2 of Chapter 103 of the Private Acts of 1993, is amended by deleting such section in its entirety.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Martin. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Martin and certified to the secretary of state.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.